

AMENDED APPLICATION**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF
USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA
HERETOFORE APPROPRIATED**Date of filing in State Engineer's Office FEB 16 2006Returned to applicant for correction MAR 06 2006Corrected application filed APR 14 2006Map filed MAR 10 2004 under 70937

The applicant **Damonte Family Limited Partnership**, a Nevada limited partnership hereby makes application for permission to change the **Point of Diversion, manner and place of use of a portion of water heretofore appropriated under Claim 715/715a of the Truckee River Decree entered by the District Court for Nevada in that certain action entitled, "The United States of America, Plaintiff, vs. Orr Water Ditch company, et al, Defendants" in Equity Docket A-3**

1. The source of water is **Brown's Creek, south branch of White's Creek**
2. The amount of water to be changed **230.88 ac. Ft. along with a pro-rata share of the diversion rate**
3. The water to be used for **Storage**
4. The water heretofore permitted for **As decreed**
5. The water is to be diverted at the following point **NW ¼ SW ¼, Section 21, T.18N., R.20E., M.D.B. & M., or at a point from which the SW Corner of Section 19, T.18N., R.20E., M.D.B. & M., bears S. 83° 13' 01" W., a distance of 11,730.44 feet. See map filed under Application 70937**
6. The existing permitted point of diversion is located within **As decreed, historical & physical location being NE ¼ SW ¼, Section 30, T.18N., R.20E., M.D.B. & M. or at a point from which the SE Corner of Section 17, T.18N., R.20E., M.D.B. & M., bears N. 48° 30' 00" E., a distance of 12,144.00 feet) see amp filed under 41661**
7. Proposed place of use **On site storage associated with surface treatment plant located in the NE ¼ SW ¼ and NW ¼ SW ¼ of Section 21, T.18N., R.20E., M.D.B. & M. Ultimate place of use to be determined by secondary applications. Please refer to map filed under application 70937 filed on March 10, 2004**
8. Existing place of use **Please refer to Attachment "A"**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **As decreed**
11. Description of proposed works **Proposed diversion structure and pipeline/ditch to proposed place of use**
12. Estimated cost of works **\$13,000,000.00**
13. Estimated time required to construct works **Five (5) years**
14. Estimated time required to complete the application of water to beneficial use **Ten (10) Years**

15. Remarks: Please refer to Attachment "B"

By Gregory M. Bilyeu
Gregory M Bilyeu
500 Damonte Ranch Parkway, Suite 1056
Reno, NV 89521

Compared sg/ag W/ gkl

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, manner of use and place of use of a portion of the waters of the Truckee River as heretofore granted under Claim 715/715A Truckee River Final Decree is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein. A suitable measuring device must be installed and accurate measurements of water placed to beneficial use must be kept.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This primary permit is issued under the authority of NRS 533.440 (Secondary applications are required for the use of the appropriated water) and is only a temporary allowance. The final water right obtained will be dependent upon the amount of water actually placed to beneficial use under the secondary permits. A totalizing meter must be installed at the discharge near the point of diversion and accurate measurements must be kept of storage water discharged. This permit is further issued subject to the provisions of NRS 533.395 and the State retains the right to regulate the use of water herein granted at any and all times.

A substantial measuring device must be installed and accurate records must be kept of the water flowing in Brown's Creek prior to its commingling with other drainages.

A monthly report of the water diverted and placed into storage must be submitted to the State Engineer and Federal Water Master within fifteen (15) days after the end of each month.

This permit is issued subject to continuing jurisdiction and regulation by the Federal Water Master.

(Continued on Page 3)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.773 cubic feet per second, but not to exceed 230.88 acre-feet as decreed.

Work must be prosecuted with reasonable diligence and

N/A

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

November 8, 2016

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 8th day of November, A.D. 2006

Tracy Taylor, P.E.
State Engineer

Completion of work filed June 11, 1999 under 64048

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____

ATTACHMENT "A"

8. Existing Place of Use of Claim 715/715a being removed from Irrigation

¼ ¼	Sec.	Twn	Rng	APN	Acres
SW ¼ SE ¼	17	T18N	R20E	044-320-03	0.5500
				044-320-04	0.5500
				044-320-05	1.3000
				044-320-06	0.5400
				044-320-07	0.6600
				044-320-08	0.6100
				044-320-09	0.6100
				044-320-10	1.7400
				044-320-11	1.3300
				044-320-12	0.4000
				044-320-13	3.2100
				044-320-15	1.3400
				044-320-16	1.0200
				044-320-17	0.5400
				044-320-18	0.6700
				044-320-19	0.6700
				044-320-20	0.6700
				044-320-21	0.5000
				044-320-22	0.5000
				044-320-23	0.5100
				044-320-24	0.5100
				044-320-26	0.5000
				044-320-27	0.5000
				044-320-28	0.5000
				044-320-29	0.5000
				044-320-30	1.0000
				044-320-31	0.4700
				044-320-32	0.4700
				044-320-33	0.4500
				044-320-35	1.1300
				044-320-40	0.7500
				044-320-41	1.0000
				044-320-42	1.0100
				044-320-43	1.0100
				044-320-45	1.2900
				044-320-47	1.5600
Subtotal					30.5700
SW ¼ SE ¼	17	T18N	R20E	044-320-14	2.3800
SE ¼ SE ¼	17	T18N	R20E	044-320-14	0.1700
Subtotal					2.5500
SW ¼ SE ¼	17	T18N	R20E	022-300-13	1.9400
SE ¼ SE ¼	17	T18N	R20E	022-300-13	17.0000
Subtotal					18.9400
SE ¼ SE ¼	17	T18N	R20E	022-300-10	3.4200
				022-300-14	1.2000
Subtotal					4.6200
NW ¼ NW ¼	20	T18N	R20E	049-360-15	0.2500
				049-360-16	0.7700
Subtotal					1.0200

Grand Total 57.7000

APN's and acreages taken from TR Map 030 prepared by the Division of Water Resources except for APN 022-300-13 which represents a stripping of only 18.94 acres out of the total of 22.19 water righted acres on this parcel.

Attachment "B"
Application 73845

15. Remarks

This application to change is associated with Washoe County's South Truckee Meadows Surface Water Treatment Plant.

Upon permitting of this application, the water rights will be dedicated to Washoe County. Washoe County will file Secondary Applications to place the stored water to beneficial use. Secondary applications will be filed for Municipal, Artificial Recharge & Recovery and Wildlife (in-stream flow) purposes. These secondary applications will provide the needed flexibility to Washoe County to beneficially use this water under all three or either one of the manners of use with the understanding that the total combined duty will not exceed that of the primary storage permit duty.

In reference to the in-stream flow/wildlife secondary applications contemplated in this project, Washoe County stipulates to notify the downstream parties, i.e., Pyramid Lake Paiute Tribe, T.C.I.D. and Churchill County, prior to filing of said secondary application.

The purpose of the notification is to seek consensus on the disposition of the water under the secondary applications once it reaches the main stem of the Truckee River, and the relative rights to this water at Derby Dam.

The water rights being transferred under this application are for the benefit of Nevada Tri-Partners, LLC.